

HAYNES et al
Appl. No. 10/572,638
March 23, 2009

REMARKS/ARGUMENTS

Favorable consideration of this application and entry of the foregoing amendments are respectfully requested.

New claims 108-115 have been added. The claims are fully supported by the disclosure, including the claims as originally filed.

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group II (claims 98-100, 105 and 106). In response to the Examiner's requirement for election of a single sequence, Applicants elect the nucleic acid shown in Fig. 29C. Claims of the elected Group readable on the elected sequence include claims 98-100. Vector claim 105 and composition claim 106 depend from claim 98 which, as noted above, reads on the elected invention. It is submitted that new claims 108-115 should be grouped in Group II. New claims 108 and 112 read on the elected sequence. New claims 109 and 110 depend from claim 108 and new claims 113 and 114 depend from claim 112.

The foregoing elections, made in response to the Examiner's requirement for restriction and for election of a single sequence, are made with traverse for the reasons that follow.

Applicants submit that, considering the vast resources available at the USPTO, it is inconceivable that undue burden would be placed on the Examiner if more than one sequence were to be considered in this application. The Examiner is thus requested to reconsider the requirement for restriction/election and consider at least all of the subject matter of Group II (included newly added claims 108-110 and 112-114) in this application.

As the Examiner appreciates, this application was filed under 35 USC 371. Under 37 CFR 1.475(b)(2), a national stage application will be considered to have unity of invention if the claims are drawn to a product and process of use. Accordingly, the Examiner is also requested to

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reconsider and withdraw the requirement for restriction at least as between the subject matter of Group II and that of Group VII (claim 107). In this regard, it is submitted that new claims 111 and 115 should be grouped with Group VII and thus should be considered in this application.

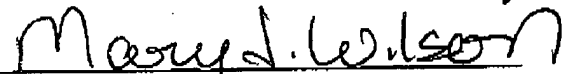
Reconsideration and withdrawal of the requirements for restriction and election of sequence are requested for the foregoing reasons.

An early and favorable Action on the merits is awaited.

Respectfully submitted,

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